

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

) EIGHTH JUDICIAL CIRCUIT

) CASE NO.: 2020-CP-36-00384

Jefferson Davis, Jr.,

)

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Plaintiff,

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vs.

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Chad Connelly and Tom Persons,

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Defendants.

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**ORDER COMPELLING  
DISCOVERY**

**RECEIVED**

**Oct 13 2023**

**SC Court of Appeals**

This matter came before me for a hearing on October 7, 2021, on Defendants’ Chad Connelly and Tom Persons’ Motion to Compel filed on September 27, 2021. Upon reviewing the motions, memoranda in support, and argument of the parties, this Court finds the following:

Defendants Connelly and Persons each served Plaintiff with Interrogatories, Requests for Production, and Requests for Admission on July 27, 2021. Plaintiff did not respond to the discovery requests within the time allotted by the South Carolina Rules of Civil Procedure. Counsel for Defendants Connelly and Persons made a *bona fide* attempt to resolve the overdue response with Plaintiff, but no response was received. As of the date of the hearing, Plaintiff had not responded to Defendants Connelly or Persons’ discovery requests, contacted counsel for these defendants to advise of any difficulties responding to the requests, or requested an extension.

Defendants’ Connelly and Persons requested an order of this Court compelling Plaintiff’s responses to each of Defendants’ Interrogatories and Requests for Production served upon Plaintiff. Additionally, Defendants’ Connelly and Persons requested an order of this Court deeming admitted the matters in each Defendants’ Requests for Admission served upon Plaintiff.

Based on the above, this Court finds Plaintiff has failed to respond to these Defendants’ Interrogatories and Requests for Production within the time allotted under Rules 33, 34, and 37

of the South Carolina Rules of Civil Procedure. This Court will withhold a decision on whether to relieve Plaintiff from having the matters admitted in each of Defendant's Requests for Admission deemed admitted pursuant to Rule 36, SCRCP, until after Plaintiff provides this Court with documentation allowing it to determine whether Plaintiff's failure to respond to the Requests for Admission is justified.

IT IS THEREFORE ORDERED that Plaintiff shall provide full and complete responses by 5:00 p.m. on October 15, 2021, to the following discovery requests:

- Defendant Connelly's First Set of Interrogatories and Requests for Production; and
- Defendant Persons' First Set of Interrogatories and Requests for Production.

IT IS FURTHER ORDERED that Plaintiff will provide this Court, within 10 days of the date of this Order, documentation permitting it to determine whether Plaintiff's failure to respond to the Requests for Admission is excusable.

SO ORDERED.

October 7, 2021  
Newberry, South Carolina

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The Honorable Donald B. Hocker  
Circuit Court Judge



Newberry Common Pleas

**Case Caption:** Jefferson Davis Jr VS Chad Connelly , defendant, et al

**Case Number:** 2020CP3600384

**Type:** Order/Compel

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167